

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:16-cr-00062-LRH-EJY

Plaintiff,

ORDER

v.

HAKIM RYDELL BRANCHE-JONES et al.,

Defendants.

Defendant Hakim Rydell Branche-Jones (“Branche-Jones”), through his counsel, moves this Court to continue his sentencing hearing currently scheduled for Wednesday, February 9, 2022, to a day sometime in Spring 2023 to allow him to be sentenced after his state trial on murder charges currently set in Las Vegas, Nevada for January 23, 2023. ECF No. 424. Defendant Darrin Wilder filed a joinder to Branche-Jones’ motion and requests that he also be sentenced in Spring 2023 for similar reasons. ECF No. 425. Of concern to both defendants is the assumption that should their sentencing hearing on the federal charges proceed as scheduled, they will be designated to a BOP facility outside the District of Nevada before they stand trial on their state murder charges. The government opposed the requested continuance, articulating that (1) should Wilder’s sentencing hearing be continued until on or after January 23, 2023, he will have served more than 78 months pretrial detention, which is the upper limit within the expected sentencing guidelines applicable to him; and (2) the defendants’ argument makes assumptions about events that may or may not occur in the future, such as “when the State of Nevada lodges a writ of habeas corpus *ad prosequendum* on the United States Marshal for the defendants.” ECF No. 426.

1 As this Court articulated in its previous order granting a continuance, “[n]o further
2 continuances will be granted without a showing of extenuating circumstances.” ECF No. 416 at 2.
3 In this instance, the Court finds that no extenuating circumstances exist that support another
4 continuance. Neither this Court nor the Executive branch of the federal government has control
5 over when, or if, any of the circumstances the defendants assume will occur. However, in the event
6 that this Court imposes a sentence of imprisonment that exceeds the time the defendants have spent
7 in pretrial detention, the Court will recommend to the Bureau of Prisons that the place of
8 imprisonment should be in a facility in the District of Nevada, most likely the Nevada Southern
9 Detention Center, to obviate further transfer of the prisoners before their pending murder trial. In
10 addition, should the Court sentence any of the defendants to imprisonment equal or less than time
11 served in pretrial detention, then any detainers lodged against the defendants would cause a transfer
12 to the custody of the State of Nevada.

13 IT IS THEREFORE ORDERED that Defendant Branche-Jones’ motion to continue his
14 sentencing (ECF No. 424) is **DENIED**. The sentencing of both Branche-Jones and Wilder will
15 proceed as planned on February 9, 2022, with the understanding that the Court will include a
16 recommendation with the terms described in this Order.

17 IT IS SO ORDERED.

18 DATED this 20th day of January, 2022.

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21 LARRY R. HICKS
22 UNITED STATES DISTRICT JUDGE
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